

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. ROUDA OF CALIFORNIA

Amend section 1617 of the bill to read as follows:

1 **SEC. 1617. CONSTRUCTION MATERIALS PROCUREMENT.**

2 (a) ESTABLISHMENT.—Not later than 180 days after
3 the date of enactment of this Act, the Secretary of Trans-
4 portation, the Administrator of the Environmental Protec-
5 tion Agency, and the Secretary of Agriculture shall initiate
6 a review of the procurement processes used by States and
7 localities to select construction materials on projects uti-
8 lizing funds administered by the Federal Highway Admin-
9 istration, the Environmental Protection Agency, or the
10 Department of Agriculture.

11 (b) CONTENTS.—The review under subsection (a)
12 shall include:

13 (1) A review of competitive practices in the bid-
14 ding process for construction materials;

15 (2) a list of States and localities that currently
16 issue bids that include flexibility in the type of con-
17 struction materials used to meet the project speci-
18 fications;

1 (3) any information provided by States and lo-
2 calities on considerations that influence the decision
3 to include competition by type of material in con-
4 struction projects;

5 (4) any data on whether issuing bids that in-
6 clude flexibility in the type of construction materials
7 used to meet the project specifications will affect
8 project costs over the lifecycle of an asset;

9 (5) any data on the degree to which competition
10 leads to greater use of sustainable, innovative, or re-
11 silient materials; and

12 (6) an evaluation of any barriers to more wide-
13 spread use of competitive bidding processes for con-
14 struction materials.

15 (c) RULE OF STATUTORY CONSTRUCTION.—Nothing
16 in this section shall be construed to—

17 (1) waive any requirements or standards in any
18 provision of law commonly known as Buy America;
19 or

20 (2) limit the authority or responsibility of
21 States or localities (or a contractor on behalf of a
22 State or locality) to determine appropriate construc-
23 tion materials that meet the performance require-
24 ments and enhance the service life, sustainability,
25 and resiliency of the infrastructure projects.

1 (d) REPORT.—Not later than 18 months after the en-
2 actment of this Act, the Secretary of Transportation shall
3 submit to the Committee on Transportation and Infra-
4 structure, the Committee on Energy and Commerce, and
5 the Committee on Agriculture of the House of Representa-
6 tives and the Committee on Environment and Public
7 Works and the Committee on Agriculture of the Senate,
8 and make publicly available, a report on the review initi-
9 ated pursuant to this section.

